UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,879	03/01/2002	Antonio Elias Salloum Salazar	PHNL 010144	4016

24737	7590	11/01/2005	

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EXAMINER
LEE, ANDREW CHUNG CHEUNG

ART UNIT	PAPER NUMBER
2664	

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _01 March 2002_.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-8_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-8_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☒ All   b) ☐ Some * c) ☐ None of:

      1. ☒ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _06/26/2002_.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Specification

1.   Applicant is reminded of the proper language and format for an abstract of the disclosure.

        The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

        The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2.   The abstract of the disclosure is objected to because Figure 3 (line 10, page 9) is

disclosed but without any description or it should be deleted. Correction is required.

See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 1 – 8 are rejected under 35 U.S.C. 102(e) as being anticipated by

LaFollette et al. (US 6212171 B1).

        Regarding claim 1, LaFollette et al. discloses the limitation of a method for

operating a multi-station network for therein effecting node-to-node communications

over a serial bus in a collision-free fashion, whilst having before starting such

communication a communication originator station execute a gap_count procedure for

measuring an idle interval (column 3, lines 16 – 24; lines 36 – 45), said method being

characterized by the steps of: measuring various path delay values between a first node

and a second node (column 6, lines 26 – 43); selecting a worst case among said path

delay values (column 3, lines 16 – 24; lines 36 – 45); assigning a gap_count to said

worst case delay value (column 4, lines 48 – 50; column 6, lines 1 – 3).

        Regarding claim 2, LaFollette et al. discloses the limitation of a method as

claimed in claim 1, wherein said path delay values each include an interval for returning

an acknowledge packet (column 4, lines 60 – 64; column 6, lines 49 – 58)..

        Regarding claim 3, LaFollette et al. discloses the limitation of a method as

claimed in claim 1, wherein said measuring is effected by a single root node (Fig. 1,

column 3, lines 40 – 45).

        Regarding claim 4, LaFollette et al. discloses the limitation of a method as

claimed in claim 1, wherein said second node is limited to being a leaf node, and using

all available leaf nodes as said second node (Fig. 1, column 3, lines 46 – 52).

Regarding claim 5, LaFollette et al. discloses the limitation of a method as claimed in claim 1, wherein said measuring is effected by a single root node by measuring round trip delay values to all available leaf nodes (Fig. 3, column 6, lines 26–43).

Regarding claim 6, LaFollette et al. discloses the limitation of a method as claimed in claim 5, wherein the two highest recorded round trip delay values are summed for therefrom determining an overall gap_count indication (column 8, lines 10 – 18).

Regarding claim 7, LaFollette et al. discloses the limitation of a multi-station system arranged for implementing a method as claimed in claim 1 and comprising a serial bus network for thereon in a collision-free fashion effecting node-to-node communications, furthermore comprising in a communication originator station gap_count setting means for executing a gap_count procedure for measuring an idle interval on said bus before starting such communication (column 3, lines 16 – 24; lines 36 – 45)., said system furthermore being characterized by comprising measuring means for measuring various path delay values between a first node and a second node (column 6, lines 26 – 43).; selection means for selecting a worst case among said measured path delay values (column 3, lines 16 – 24; lines 36 – 45).; and assigning means for assigning a gap_count to said worst case delay value (column 4, lines 48 – 50; column 6, lines 1 – 3).

Regarding claim 8, LaFollette et al. discloses the limitation of an apparatus being

arranged for operating as a measuring node in a system as claimed in claim 7 (Fig. 7, column 8, lines 19 – 26).

Conclusion

5.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew C. Lee whose telephone number is (571) 272-3131. The examiner can normally be reached on Monday through Friday from 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ajit Patel
Primary Examiner

ACL   Oct 24, 2005